

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB141)

Received: **04/27/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **David Brandemuehl (608) 266-1170**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Vehicle color in registration

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 04/27/99	wjackson 04/28/99		_____ _____			
/1			martykr 04/29/99	_____ _____	lrb_docadmin 04/29/99	lrb_docadmin 04/29/99	

FE Sent For:

<END>

4/27/99 2:43:43 PM
Page 1

1999 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB141)**Received: **04/27/99**Received By: **nilsepe**Wanted: **As time permits**

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1?	nilsepe	1/1 wlj 4/28	<i>km 4/29</i>	<i>2/1 4/29</i> <u><i>km 4/29</i></u>			

FE Sent For:

<END>

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

???dn
.....

I think the treatment of s. 341.61 (4) is unnecessary. Because DOT does not rely on the color stated in an application, there cannot be "fraud". Because there is no requirement that color stated in an application for registration be accurate, I don't think there can be an "unlawful" statement of color within the meaning of s. 341.61 (4).

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-078471
PEN:wj&kmg:hmh

ASA -

1999 ASSEMBLY BILL 141

50058/1

February 25, 1999 - Introduced by Representatives HUBER, STONE, ZIEGELBAUER, BOCK, SPILLNER, KREUSER, URBAN, LA FAVE, SERATTI, TRAVIS, PLOUFF, J. LEHMAN, PETROWSKI, STASKUNAS and POCAN, cosponsored by Senators BURKE, HUELSMAN, DECKER, ROESSLER, PLACHE and BAUMGART. Referred to Committee on Transportation.

- 1 AN ACT *to amend* 341.08 (2) (c), 341.11 (1) and 341.17 (2); and *to create* 341.08
2 (2) (cm) of the statutes; **relating to:** vehicle color and motor vehicle registration
3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an applicant for registration of a motor vehicle must provide a description of the vehicle, including the vehicle's make, model and identification number. Current law requires the department of transportation (DOT) to compile a list of new automobiles and motor trucks being registered for the first time after purchase from a motor vehicle dealer.

This bill requires the applicant for registration of a motor vehicle, other than a motorcycle or a vehicle having a gross weight of more than 8,000 pounds, to include the vehicle's color in the application. The bill requires DOT to include a place on the registration application form for the applicant to identify the vehicle's current color, if the color has changed since the vehicle was last registered. The bill also requires that the vehicle color be included in the compiled registration list of new vehicles.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 341.08 (2) (c) of the statutes is amended to read:

2 341.08 (2) (c) A description of the vehicle, including make, model, color,
3 identification number and any other information which the department may
4 reasonably require for proper identification of the vehicle. An application for a
5 motorcycle or for a vehicle registered at a gross weight of more than 8,000 pounds is
6 not required to include the vehicle color in the description of the vehicle.

7 SECTION 2. 341.08 (2) (cm) of the statutes is created to read:

8 341.08 (2) (cm) A place for the applicant to indicate whether the color of the
9 vehicle being registered has changed from the color specified on the certificate of
10 registration and, if so, the new color.

11 SECTION 3. 341.11 (1) of the statutes is amended to read:

12 341.11 (1) Except as provided in sub. (2) the department upon registering a
13 vehicle shall issue and deliver to the owner a certificate of registration. The
14 certificate shall contain the name, residence and address of the owner; a brief
15 description of the vehicle, including its color, the registration number assigned; and
16 the date of expiration of registration. The certificate shall be in such form and may
17 contain such additional information as the department deems advisable. A
18 certificate for a motorcycle or for a vehicle registered at a gross weight of more than
19 8,000 pounds is not required to include the vehicle color in the description of the
20 vehicle.

21 SECTION 4. 341.17 (2) of the statutes is amended to read:

22 341.17 (2) The department shall compile a list by counties of new automobile
23 and motor truck registrations. Registrations for other new vehicles may be included
24 if deemed necessary by the department. Such lists shall be compiled at such
25 intervals during the month as is deemed necessary by the department but the final

ASSEMBLY BILL 141

SECTION 4

list compiled each month shall include the listing of the last day of the month. Such list shall contain only those vehicles being registered for the first time after sale by a dealer. Such list shall contain the name and address of the owner,; the make, body type, and identification number of the vehicle,; the color of the vehicle, if the vehicle is not a motorcycle or is not registered at a gross weight of more than 8,000 pounds; the dealer license number, if such dealer is registered in this state,; and the date of sale.

INSCR
3818

SECTION 5. Initial applicability.

(1) This act first applies to applications for registration of vehicles submitted to the department of transportation on the effective date of this subsection.

SECTION 6. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication or on ~~January~~ ^{July} 1, 2000, whichever is later.

(END)

(insert 3-8)

SEL. #. AM; 341.335 (title)✓

② [341.335 (title) Notice of change of address ~~of~~ name or vehicle color.]

SEL. #. CR; 341.335 (1m)✓


341.335 (1m) No person is required to notify the department

before the next renewal of registration for the vehicle

that a vehicle's color has been changed from the

color stated in the most recent application

for registration of the vehicle.



ins.
3-8
(C/H.)

**ASSEMBLY AMENDMENT ,
TO 1999 ASSEMBLY BILL 141**

At the locations indicated, amend the bill as follows:

1. Page 2, line 21: delete the material beginning with that line and ending with page 3, line 7.

2. Page 3, line 8: before that line insert:

SECTION 4H. 349.02 (2) (c) of the statutes is created to read:

349.02 (2) (c) Notwithstanding par. (a), a law enforcement officer may not stop a vehicle solely because the vehicle's color differs from the color stated in the application for registration of that vehicle. This paragraph does not limit the authority of a law enforcement officer to issue a citation for improper registration of a vehicle whose color differs from the color stated in the application for registration of the vehicle, if the difference is observed in the course of a stop or inspection made for other purposes.

(end insert)

56058/ldn

Representative Brandmuhl:


If This substitute amendment ^{makes} explicit that
a vehicle ^{registrant} is not required to notify
DOT that the vehicle's color has been changed.

The registrant will, however, be required to provide the
correct color in the next application for
registration renewal. See proposed s. 346.335 (1m).

That language makes it unnecessary to state that it is
not a violation ^{of law} to fail to notify ^{DOT} of a color change.

I cannot identify any language in the statutes
that would be violated by such a failure to notify
or by changing a vehicle's color after ^{registering} the vehicle.

Please let me know if you are concerned about
specific language.



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

~~April 16, 1999~~

LRBa0295/ldn

PEN: ~~18~~ km

WJ

50058/ldn
(cont.)

s. 349.02 (2)(c)✓

Tha-
language

¶ Please check ~~the~~ proposed (secondary enforcement language) closely. ~~It~~ is very broad in that it prohibits stopping a vehicle for color differences, regardless of the suspected registration-related offense. I'm not sure what offense, if any, would be suspected of a vehicle whose color differed from the color stated in the application for registration. A traffic officer seeing such a vehicle could suppose that a violation of s. 341.04 (improper registration) was committed, although the wording of that section does not seem to fit these facts well, or more likely, that a violation of s. 341.61 (2) (improper display of a registration plate) or 341.61 (4) (improperly obtained plate) was committed. Please check the proposed language closely to ensure that it meets your intent.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0058/1dn
PEN:wlj&kmg:km

April 29, 1999

Representative Brandemuehl:

This substitute amendment makes explicit that a vehicle registrant is not required to notify DOT that the vehicle's color has been changed. The registrant will, however, be required to provide the correct color in the next application for registration renewal. See proposed s. 341.335 (1m). That language makes it unnecessary to state that it is not a violation of law to fail to notify DOT of such a color change. I cannot identify any language in the statutes that would be violated by such a failure to notify or by changing a vehicle's color after registering the vehicle. Please let me know if you are concerned about specific language.

Please check proposed s. 349.02 (2) (c) (secondary enforcement language) closely. That language is very broad in that it prohibits stopping a vehicle for color differences, regardless of the suspected registration-related offense. I'm not sure what offense, if any, would be suspected of a vehicle whose color differed from the color stated in the application for registration. A traffic officer seeing such a vehicle could suppose that a violation of s. 341.04 (improper registration) was committed, although the wording of that section does not seem to fit these facts well, or more likely, that a violation of s. 341.61 (2) (improper display of a registration plate) or 341.61 (4) (improperly obtained plate) was committed. Please check the proposed language closely to ensure that it meets your intent.

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